

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAWN MARIE BALL,	:	Civil No. 1:11-CV-2238
Plaintiff	:	
	:	(Chief Judge Kane)
v.	:	
	:	(Magistrate Judge Carlson)
ECKROTH, et al.,	:	
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On March 15, 2012, Defendants filed a motion to dismiss Plaintiff Dawn Marie Ball's complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. (Doc. No. 35.) Magistrate Judge Martin Carlson issued a Report and Recommendation on June 1, 2012, in which he recommended that this Court grant the motion to dismiss in part. (Doc. No. 50.) Plaintiff was directed to file any objections to the Report and Recommendation on or before June 18, 2012. (Id.) To date, Plaintiff has failed to raise any objections to the Report and Recommendation. The Court has reviewed Magistrate Judge Carlson's Report and Recommendation and detects no error therein.

ACCORDINGLY, on this 25th day of June 2012, **IT IS HEREBY ORDERED THAT** the Report and Recommendation (Doc. No. 50) is **ADOPTED** and Defendants' motion to dismiss (Doc. No. 35) is **GRANTED IN PART AS FOLLOWS:**

1. Plaintiff's Fourth Amendment claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff endeavoring to correct the defects outlined in the Report and Recommendation within twenty days of the date of this order – failure to amend within that time will result in these claims being dismissed with prejudice;
2. Defendant's motion to dismiss is **DENIED** as to Plaintiff's Eighth Amendment

claims; and

3. Plaintiff's request for a specified sum of liquidated damages is **STRICKEN**.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania